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## BOOK REVIEWS.

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**EQUITY PRACTICE IN THE UNITED STATES CIRCUIT COURTS.** A Compilation of the Provisions governing the same as found in the Statutes of the United States, Rules in Equity and Decisions of the Supreme Court. By OLIVER P. SHIRAS, District Judge for the Northern District of Iowa. Second Edition. Revised and Enlarged. One Volume, pp. 226. Chicago: Callaghan & Company. 1898.

No author could come better fitted to the task of writing a book having to do with the important subject of Practice, than one whose experience has been both at the bar and on the bench. Such a combination leads one to expect from the hands of the author a work of value, and we are not disappointed when we pick up this book of Judge Shiras. It is true that the book is small—there are only two hundred and twenty-six pages in all—but within that space the author has compressed much information and many valuable hints. Its conciseness is a feature of the work which is not to be lightly passed by, especially in these days when that all important quality is so often missing in the arguments that are made and in the opinions that are handed down.

As is explained in the preface, the second edition, the issuance of which was caused by the creation of the Circuit Court of Appeals and the radical change occasioned thereby in the matter of appeals, is like the first edition in not attempting "to present a treatise on equity jurisdiction and practice at large, but only to bring together in compact form the provisions found in the Rules in Equity, in the Statutes of the United States and in the decisions of the Supreme Court which define and limit Federal Jurisdictions in Equity, and which prescribe and explain the steps required to be taken in bringing, preparing for hearing and submitting suits in equity, in taking appeals therein, and in enforcing decrees by direct or auxiliary process." The above quotation sufficiently explains the scope of the book, and it is necessary but to add that the first one hundred and forty-two pages form what the author calls "the manual," which is a statement in paragraphs of its Equity Rules, substantially in the words of the rules, and this statement is supplemented by explanation and suggestion. Under each paragraph the statutes and cases having to do with the rule are chronologically cited. Chapter II. on Federal Jurisdiction in Equity, Chapter III. on Place of Bringing Suit, Chapter XII. on Preparation for Hearing and Chapters XVI. and XIX. on Appeals and Appealable Decrees are especially noteworthy for the clearness with which they are written and arranged and for the valuable suggestions they contain. The remainder of the book is devoted to the Rules of Practice for the

Courts of Equity of the United States and the Rules of the Supreme Court of the United States given *in haec verba*. The index, so important a part of a book of this kind, is fairly full and complete.

F. C. N., Jr.

PROBATE REPORTS ANNOTATED. By FRANK S. RICE. Vol. II. New York: Baker, Voorhis & Company. 1898.

The second volume of these reports comes to us well recommended by the first which, however, was not without some defects, as was shown in our review of that volume. The present number contains the reports of over a hundred well selected cases and some very valuable notes by the editor—only a few of which need be mentioned—"The Distinction Between Annuities and Legacies;" "Gifts Causa Mortis," a note of six pages. On page 143 of this note, in citing the definition of a gift causa mortis as laid down by the Supreme Court of Pennsylvania in *Perry's Appeal*, the number of the report and the page are omitted. While this may be a small matter, yet, in a manner, it mars a work of this kind, which is on the whole so valuable. This is only one instance of other slight defects of this character. Other notes of value are "Administration on the Estates of Living Persons;" "The Doctrine of Spendthrift Trusts," etc.

The work is a meritorious one and we trust that the slight omissions already pointed out may be supplied in the succeeding volumes.

A TREATISE ON THE LAW OF EASEMENTS. By LEONARD A. JONES, A. B., LL. B. New York: Baker, Voorhis & Company. 1898.

Mr. Leonard A. Jones, in his latest work, entitled "A Treatise on the Law of Easements," which is in continuation of his series of works upon the law of real property, has shown the same care and thoroughness which mark his other legal publications.

The author has wisely devoted a large portion of his book, comprising nearly 300 pages, to a thorough consideration of rights of way, properly conceiving that this branch of his subject is the most important as the one most frequently in litigation and involving the most valuable property rights. Other subjects are treated at a greater or less extent, according to their practical importance. Indeed, the whole scheme of the work, as the author intimates in his preface, is to treat fully those portions of the subject which are of "general and every day use," rather than to give undue attention to theoretical questions.

It is to be noted that Mr. Jones classes rights in gross, other than profits *a prendre*, as easements, and, in justification of his classification, says: "It has sometimes been said that there is no such thing as an easement in gross; that a privilege not appurtenant to land is not an easement. The term 'easement in gross' is used because